

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6119 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SMT. GEETABEN M. DEVADHIA

Versus

THE DISTRICT DEVELOPMENT OFFICER,

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Appearance:

None present for Petitioner  
MR DC DAVE for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/11/97

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round then in the second round in first sitting and lastly in the third round in second sitting, but none put appearance for the petitioner. Perused the special civil application and heard the learned counsel for the respondents.
2. The petitioner is praying for issuance of a writ

of mandamus or any other appropriate writ, order or direction for quashing and setting aside the seniority list of Tracer, annexure 'D' dated 18th September, 1984 in which the position has been shown as on 1-1-1984.

3. First of all, the persons who has been senior to the petitioner in the final seniority list of Tracer have not been impleaded as party to this petition. In the absence of those seniors, if any order is passed in favour of the petitioner then it will amount to violation of principles of natural justice by this Court. Be that as it may, otherwise also, on merits, the petitioner has no case.

4. The petitioner is claiming the seniority on the basis of the date of joining on the post of Tracer but as per the reply of the respondents, the seniority list has been prepared in the order of merits assigned to the persons in the selection for the post of Tracer. Shri Dave, learned counsel for the respondents contended that the seniority has to be assigned in the order of merits and the date of joining has no relevance. I find sufficient merits in this contention. It is a case where erroneously earlier the petitioner has been shown senior but that mistake has been rectified and the respondents have not committed any error whatsoever in assigning the seniority to the petitioner and other persons in the order of merits as given to them by the Selection Committee.

5. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief granted by this Court stands vacated. No order as to costs.

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